

Title 35-A: PUBLIC UTILITIES HEADING:
PL 1987, c. 141, Pt. A, §6 (new)
Chapter 72: Telecommunications REGULATORY REFORM

Table of Contents

Part 7. TELECOMMUNICATIONS	
Subchapter 1. GENERAL PROVISIONS.....	3
Section 7201. DEFINITIONS.....	3
Subchapter 2. PROVIDER OF LAST RESORT SERVICE.....	4
Section 7221. DESIGNATION OF SERVICE PROVIDERS.....	4
Section 7222. REVENUE REQUIREMENTS OF SERVICE PROVIDERS.....	5
Section 7223. PROVIDER OF LAST RESORT SERVICE CONSUMER PROTECTION.....	5
Section 7224. ANCILLARY SERVICES.....	6
Section 7225. SERVICE QUALITY.....	6
Section 7226. CERTAIN INFORMATION REQUIREMENTS AND LIMITATIONS.....	7
Section 7227. RULES.....	7
Subchapter 3. REGULATORY REFORM.....	7
Section 7231. LAWS THAT APPLY ONLY TO SERVICE PROVIDERS.....	7
Section 7232. LAWS THAT APPLY ONLY TO SERVICE PROVIDERS AND LOCAL EXCHANGE CARRIERS FOR LIMITED PURPOSES.....	8
Section 7233. LAWS THAT APPLY ONLY TO SERVICE PROVIDERS AND LOCAL EXCHANGE CARRIERS.....	9
Section 7234. INTERCONNECTED VOICE OVER INTERNET PROTOCOL SERVICE.....	10
Section 7235. DARK FIBER PROVIDERS.....	10

Maine Revised Statutes
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Subchapter 1: GENERAL PROVISIONS

§7201. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2011, c. 623, Pt. A, §18 (NEW).]

1. Access to directory assistance. "Access to directory assistance" means access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings.

[2011, c. 623, Pt. A, §18 (NEW) .]

2. Access to emergency services. "Access to emergency services" means access to emergency services, as defined in Title 25, section 2921, subsection 5, through 9-1-1 or enhanced 9-1-1 service, as defined in Title 25, section 2921, subsection 6, to the extent a local government in the service area of a provider of last resort service provides 9-1-1 or enhanced 9-1-1 services.

[2011, c. 623, Pt. A, §18 (NEW) .]

3. Access to interexchange service. "Access to interexchange service" means the use of the wireline loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network.

[2011, c. 623, Pt. A, §18 (NEW) .]

4. Access to operator services. "Access to operator services" means access to any automatic or live assistance by a consumer to arrange for billing for or completion of a telephone call or both.

[2011, c. 623, Pt. A, §18 (NEW) .]

5. Dual-tone multifrequency signaling. "Dual-tone multifrequency signaling" means a method of signaling that facilitates the transportation of signaling through a network, shortening call set-up time.

[2011, c. 623, Pt. A, §18 (NEW) .]

6. Local usage. "Local usage" means an amount of minutes of use of exchange service within a certain area, prescribed by the commission, provided for a flat rate to end users.

[2011, c. 623, Pt. A, §18 (NEW) .]

7. Provider of last resort service. "Provider of last resort service" means a flat-rate service with voice grade access to the public switched telephone network; local usage within the basic service calling areas of incumbent local exchange carriers as of January 1, 2012; dual-tone multifrequency signaling or its functional equivalent; single-party service or its functional equivalent; access to emergency services; access to operator services; access to interexchange service; access to directory assistance; toll limitation for qualifying low-

income customers; and the capacity to maintain uninterrupted voice service during a power failure, either through the incorporation into the network or network interface devices of suitable battery backup or through electric current.

[2011, c. 623, Pt. A, §18 (NEW) .]

8. Service provider. "Service provider" means an entity designated as a provider of provider of last resort service under this chapter.

[2011, c. 623, Pt. A, §18 (NEW) .]

9. Single-party service. "Single-party service" means telecommunications service that permits users to have exclusive use of a wireline subscriber loop or access line for each call placed or, in the case of wireless telecommunications carriers that use spectrum shared among users to provide service, a dedicated message path for the length of a user's particular transmission.

[2011, c. 623, Pt. A, §18 (NEW) .]

10. Toll limitation for qualifying low-income customers. "Toll limitation for qualifying low-income customers" means a service provided to customers of provider of last resort service that meet income qualifications established by the commission by rule that allows those customers:

A. To elect not to allow the completion of outgoing toll calls; or [2011, c. 623, Pt. A, §18 (NEW) .]

B. To limit the amount of toll usage that the customer may incur. [2011, c. 623, Pt. A, §18 (NEW) .]

With respect to a service provider that has the capacity to allow customers both options described in paragraphs A and B, "toll limitation for qualifying low-income customers" means a service that offers both options to those customers. With respect to a service provider that does not have the capacity to allow customers both options, "toll limitation for qualifying low-income customers" means a service that offers one of the options to those customers.

[2011, c. 623, Pt. A, §18 (NEW) .]

11. Voice grade access. "Voice grade access" means a functionality that offers a minimum bandwidth range of 300 to 3,000 hertz that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call.

[2011, c. 623, Pt. A, §18 (NEW) .]

SECTION HISTORY

2011, c. 623, Pt. A, §18 (NEW).

Subchapter 2: PROVIDER OF LAST RESORT SERVICE

§7221. DESIGNATION OF SERVICE PROVIDERS

1. Initial designation of service providers. An entity that was an incumbent local exchange carrier as of January 1, 2012 shall provide provider of last resort service within its service area.

[2011, c. 623, Pt. A, §18 (NEW) .]

2. Reassignment of service provider obligation. A service provider may petition the commission for authorization to assign its provider of last resort service obligation for a given geographic area to another voice service provider. The commission shall by rule develop a process for identifying and approving replacement service providers, but in no event may a voice service provider be designated as a replacement service provider without the express consent of the voice service provider. Before authorizing the reassignment of the provider of last resort service obligation to another voice service provider, the commission shall ensure that the voice service provider possesses the financial and technical capability to meet all provider of last resort service standards set by the commission by rule. The commission may not reassign the provider of last resort service obligation to any entity that would provide the service only as a reseller, as determined by the commission by rule.

[2011, c. 623, Pt. A, §18 (NEW) .]

3. Modification of service obligations. Notwithstanding section 7201, subsection 7, the commission, in an adjudicatory proceeding, may relieve a service provider of the requirement that it have the capacity to maintain uninterrupted voice service during a power failure, either through the incorporation into the network or network interface devices of suitable battery backup or through electric current. The commission may grant the relief only if it finds that doing so is in the public interest. In determining that granting relief under this section is in the public interest, the commission must find that the benefits that would accrue to customers of the provider of last resort service from providing the relief would exceed the benefits to those customers of preserving the requirement.

[2011, c. 623, Pt. A, §18 (NEW) .]

SECTION HISTORY

2011, c. 623, Pt. A, §18 (NEW).

§7222. REVENUE REQUIREMENTS OF SERVICE PROVIDERS

The initial rates for provider of last resort service are those rates in effect for basic local exchange service for each incumbent local exchange carrier in the service area of that carrier as of January 1, 2012.

[2011, c. 623, Pt. A, §18 (NEW).]

SECTION HISTORY

2011, c. 623, Pt. A, §18 (NEW).

§7223. PROVIDER OF LAST RESORT SERVICE CONSUMER PROTECTION

A service provider in accordance with rules adopted by the commission: [2011, c. 623, Pt. A, §18 (NEW).]

1. Information. Shall provide customers adequate and timely information about provider of last resort service including posting in an easily discoverable location on its publicly accessible website its rate for provider of last resort service;

[2011, c. 623, Pt. A, §18 (NEW) .]

2. Fairness. Shall treat its customers in a nondiscriminatory manner and may not unreasonably deny or disconnect provider of last resort service; and

[2011, c. 623, Pt. A, §18 (NEW) .]

3. Consumer protection. Shall comply with minimum consumer protection standards for provider of last resort service essential to the preservation of good quality, affordable provider of last resort service throughout the State.

[2011, c. 623, Pt. A, §18 (NEW) .]

A customer of a service provider may seek redress from the commission in accordance with any applicable provisions of this Title with respect to provider of last resort service, regardless of any other services the customer may take from the service provider. A service provider may not disconnect a provider of last resort service customer from provider of last resort service except in accordance with rules adopted by the commission. This section does not authorize the commission to regulate services other than provider of last resort service, including but not limited to discontinuance by the service provider of any other services to the customer. [2011, c. 623, Pt. A, §18 (NEW).]

SECTION HISTORY

2011, c. 623, Pt. A, §18 (NEW).

§7224. ANCILLARY SERVICES

If a service provider offers an ancillary service to any customer, it shall offer that service to its provider of last resort service customers individually in conjunction with provider of last resort service and may not require that the ancillary service be bundled with any other ancillary services. For purposes of this section, "ancillary service" means a service that allows a customer to manage the display of information identifying the originator of a voice call or to manage the delivery of a voice call, including but not limited to call waiting and call forwarding, and is related to the provisioning of voice grade access to the public switched telephone network so that the customer is unable to obtain a functionally equivalent service from any device or service offered by an entity other than the service provider. [2011, c. 623, Pt. A, §18 (NEW).]

SECTION HISTORY

2011, c. 623, Pt. A, §18 (NEW).

§7225. SERVICE QUALITY

1. Service quality reporting. The commission by rule shall establish service quality indicators with respect to which service providers shall regularly report. The service quality indicators may relate only to:

- A. Network trouble rates; [2011, c. 623, Pt. A, §18 (NEW).]
- B. The percentage of network troubles not resolved within 24 hours; [2011, c. 623, Pt. A, §18 (NEW).]
- C. The percentage of installation appointments not met; [2011, c. 623, Pt. A, §18 (NEW).]
- D. The average delay, in days, for missed installation appointments; and [2011, c. 623, Pt. A, §18 (NEW).]
- E. Service outages. [2011, c. 623, Pt. A, §18 (NEW).]

[2011, c. 623, Pt. A, §18 (NEW) .]

2. Commission review of service quality. The commission by rule shall establish provider of last resort service quality standards. The commission may impose penalties or require a service provider to provide rebates or rate reductions if the commission finds, after investigation, that a service provider has failed to meet service quality standards.

[2011, c. 623, Pt. A, §18 (NEW) .]

3. Rules. Rules adopted under this section may establish appropriate penalties, rebates or rate reductions that may be applied if the commission finds, after investigation, that a service provider has failed to meet service quality standards. Rules adopted under this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[2011, c. 623, Pt. A, §18 (NEW) .]

SECTION HISTORY

2011, c. 623, Pt. A, §18 (NEW).

§7226. CERTAIN INFORMATION REQUIREMENTS AND LIMITATIONS

Notwithstanding section 112, the commission may not require a service provider: [2011, c. 623, Pt. A, §18 (NEW) .]

1. Infrastructure maps. To provide to the commission infrastructure maps that contain a level of detail that is greater than the infrastructure maps filed for that service provider's service territory prior to March 1, 2012 or that depict the infrastructure connecting interoffice facilities to remote terminals and digital loops; or

[2011, c. 623, Pt. A, §18 (NEW) .]

2. Outage reporting. To submit notices to the commission of unscheduled service outages or notices of restorations of service earlier than 7 calendar days following the restoration of service.

[2011, c. 623, Pt. A, §18 (NEW) .]

SECTION HISTORY

2011, c. 623, Pt. A, §18 (NEW).

§7227. RULES

The commission shall adopt rules to implement this subchapter. Except as otherwise provided in this subchapter, rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2011, c. 623, Pt. A, §18 (NEW) .]

SECTION HISTORY

2011, c. 623, Pt. A, §18 (NEW).

Subchapter 3: REGULATORY REFORM

§7231. LAWS THAT APPLY ONLY TO SERVICE PROVIDERS

Notwithstanding any other provision of law, the provisions listed in subsections 1 to 4 do not apply to a telephone utility except service providers with respect to the provision of provider of last resort service: [2011, c. 623, Pt. A, §18 (NEW) .]

1. Regulation and control of public utilities. The following sections of chapter 7:

A. Section 703 relating to discounts and discrimination; [2011, c. 623, Pt. A, §18 (NEW) .]

B. Section 704 relating to termination of utility services; [2011, c. 623, Pt. A, §18 (NEW) .]

C. Section 705 relating to utility deposits; [2011, c. 623, Pt. A, §18 (NEW) .]

D. Section 706 relating to tenant liability for landlord utility bills; [2011, c. 623, Pt. A, §18 (NEW) .]

E. Section 713 relating to unregulated business ventures; and [2011, c. 623, Pt. A, §18 (NEW).]

F. Section 715 relating to rules of the commission; [2011, c. 623, Pt. A, §18 (NEW).]

[2011, c. 623, Pt. A, §18 (NEW) .]

2. Sales, leases and mortgages of property. The following sections of chapter 11:

A. Section 1101 relating to authorization; and [2011, c. 623, Pt. A, §18 (NEW).]

B. Section 1103 relating to transfer of utility stock; [2011, c. 623, Pt. A, §18 (NEW).]

[2011, c. 623, Pt. A, §18 (NEW) .]

3. Procedure. The following sections of chapter 13:

A. Section 1302 relating to complaints; and [2011, c. 623, Pt. A, §18 (NEW).]

B. Section 1303 relating to investigations; and [2011, c. 623, Pt. A, §18 (NEW).]

[2011, c. 623, Pt. A, §18 (NEW) .]

4. Telephone lines. The following sections of chapter 79:

A. Section 7904 relating to purchasing and taking land for public use. [2011, c. 623, Pt. A, §18 (NEW).]

[2011, c. 623, Pt. A, §18 (NEW) .]

SECTION HISTORY

2011, c. 623, Pt. A, §18 (NEW).

§7232. LAWS THAT APPLY ONLY TO SERVICE PROVIDERS AND LOCAL EXCHANGE CARRIERS FOR LIMITED PURPOSES

Notwithstanding any other provision of law, the provisions listed in subsections 1 to 5 do not apply to a telephone utility except service providers with respect to the provision of provider of last resort service and local exchange carriers with respect to federal interconnection rights and obligations: [2011, c. 623, Pt. A, §18 (NEW).]

1. Rates of public utilities. The provisions of chapter 3 relating to the rates of public utilities.

The commission may adopt by rule standards and procedures for granting exemptions from all or specified portions of chapter 3 to service providers with respect to the provision of provider of last resort service or to local exchange carriers with respect to federal interconnection rights and obligations. Any exemption granted pursuant to rule must be accompanied by a finding that the exemption is in the public interest and will not result in unjust or unreasonable rates or have a negative impact on competitive markets for telephone services. The commission may limit an exemption to specific geographic areas. An entity granted an exemption pursuant to a rule adopted under this section remains subject to otherwise applicable provisions of chapter 3.

For good cause, as defined by the commission by rule, the commission may revoke any exemption granted pursuant to this subsection. A revocation may be in whole or in part and may be specific to individual entities or services.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;

[2011, c. 623, Pt. A, §18 (NEW) .]

2. Regulation and control of public utilities. The following sections of chapter 7:

- A. Section 701 relating to special privileges; [2011, c. 623, Pt. A, §18 (NEW).]
- B. Section 702 relating to unjust discrimination; [2011, c. 623, Pt. A, §18 (NEW).]
- C. Section 709 relating to insider transactions; [2011, c. 623, Pt. A, §18 (NEW).]
- D. Section 710 relating to accident investigations; [2011, c. 623, Pt. A, §18 (NEW).]
- E. Section 712 relating to competitive bidding; and [2011, c. 623, Pt. A, §18 (NEW).]
- F. Section 714 relating to notice of certain business activities; [2011, c. 623, Pt. A, §18 (NEW).]

[2011, c. 623, Pt. A, §18 (NEW) .]

3. Authorization of sales, leases and mortgages of property. The following sections of chapter 11:

- A. Section 1102 relating to unnecessary property; and [2011, c. 623, Pt. A, §18 (NEW).]
- B. Section 1104 relating to abandonment of property or service; [2011, c. 623, Pt. A, §18 (NEW).]

[2011, c. 623, Pt. A, §18 (NEW) .]

4. Procedure. The following sections of chapter 13:

- A. Section 1306 relating to commission decisions; [2011, c. 623, Pt. A, §18 (NEW).]
- B. Section 1307 relating to enforcement of decisions; [2011, c. 623, Pt. A, §18 (NEW).]
- C. Section 1308 relating to reparation or adjustments; [2011, c. 623, Pt. A, §18 (NEW).]
- D. Section 1309 relating to adjustment of excessive rates; and [2011, c. 623, Pt. A, §18 (NEW).]
- E. Section 1323 relating to exhausting of rights before the commission; and [2011, c. 623, Pt. A, §18 (NEW).]

[2011, c. 623, Pt. A, §18 (NEW) .]

5. Sanctions and administrative penalties. The following sections of chapter 15:

- A. Section 1511 relating to revocation and suspension of authority to provide service. [2011, c. 623, Pt. A, §18 (NEW).]

[2011, c. 623, Pt. A, §18 (NEW) .]

SECTION HISTORY

2011, c. 623, Pt. A, §18 (NEW).

§7233. LAWS THAT APPLY ONLY TO SERVICE PROVIDERS AND LOCAL EXCHANGE CARRIERS

Notwithstanding any other provision of law, the provisions listed in subsection 1 do not apply to a telephone utility except service providers with respect to the provision of provider of last resort service and local exchange carriers: [2011, c. 623, Pt. A, §18 (NEW).]

1. Organization, powers and service territory. The following sections of chapter 21:

- A. Section 2105 relating to approval after hearing; [2011, c. 623, Pt. A, §18 (NEW).]

B. Section 2107 relating to approval only to Maine corporations; [2011, c. 623, Pt. A, §18 (NEW).]

C. Section 2108 relating to holding real estate; and [2011, c. 623, Pt. A, §18 (NEW).]

D. Section 2110 relating to extension of service. [2011, c. 623, Pt. A, §18 (NEW).]

[2011, c. 623, Pt. A, §18 (NEW).]

SECTION HISTORY

2011, c. 623, Pt. A, §18 (NEW).

§7234. INTERCONNECTED VOICE OVER INTERNET PROTOCOL SERVICE

Notwithstanding any other provision of law, a person, insofar as that person is providing interconnected voice over Internet protocol service, is not subject to any regulation under this Title as a telephone utility or as a public utility unless the person is providing provider of last resort service. Nothing in this section affects the application of any provision of this Title that otherwise expressly applies to a person providing interconnected voice over Internet protocol service or to voice service providers. [2011, c. 623, Pt. A, §18 (NEW).]

SECTION HISTORY

2011, c. 623, Pt. A, §18 (NEW).

§7235. DARK FIBER PROVIDERS

Notwithstanding any other provision of law, a person, insofar as that person is a dark fiber provider, is not subject to any regulation under this Title as a telephone utility or as a public utility. Nothing in this section affects the application of any provision of this Title that otherwise expressly applies to a dark fiber provider. [2011, c. 623, Pt. A, §18 (NEW).]

SECTION HISTORY

2011, c. 623, Pt. A, §18 (NEW).

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